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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,719	12/30/1999	W. LEO HOARTY	1436/139	6764

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BROMBERG & SUNSTEIN LLP  
125 SUMMER STREET  
BOSTON, MA 02110-1618

EXAMINER
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HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/475,719

Applicant(s)

HOARTY, W. LEO

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213:

**Disposition of Claims**

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 7-10 have been considered but are moot in view of the new ground(s) of rejection. Applicant's After Final response of 12/10/2003 has been entered. A new ground of rejection is applied to claims 7-10 as discussed below.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 12/08/2003 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of Patent No. 5,526,034 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Information Disclosure Statement***

3. The information disclosure statement filed 11/08/2002 (paper No. 16) fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Nevertheless, the examiner has

Art Unit: 2611

been able to obtain copies of and considered the U.S patents. However, the examiner has been unable to obtain a copy of the foreign patents and "other publications", and so they have not been considered. Applicant is required to provide a copy of each foreign patent and publication for consideration as to the merits.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paik et al. (US 5,136,411) and in view of Young et al. (US 5,809,204).

Regarding claim 7, Paik teaches subscriber terminal 14 reads on the home interface controller as claimed wherein the data transceiver reads on demodulator 104 and modulator 106 for data communication with one of a plurality of headend terminal over a data link in the cable television system; IR receiver 108 reads on the selection input as claimed; directional coupler 92 reads on the television input as claimed; signal processor 100 reads on the signal output as claimed (see figure 4). It is obvious that the signal capable full motion video in order to full motion video service to users. However,

Art Unit: 2611

Paik does not specifically disclose the subscriber interaction with the interactive process modifies the content of the signal.

Young teaches an interactive television system wherein the subscriber interaction with the interactive process modifies the content of the signal (see figures 10, 14-17 and col. 7, line 60+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Paik to use the teaching of Young in order to improve the signals provided to subscriber.

Regarding claim 8, Paik teaches programmable FM tuner 96 reads on the tuner as claimed (see figure 4).

Regarding claim 9, Paik teaches signal processor 100 reads on the processor as claimed (see figure 4 and col. 45-49). It is obvious that the compressed signal is decompressed in order to display on the TV screen.

Regarding claim 10, Paik teaches subscriber terminal as discussed in the rejection of claim 7. Paik further teaches the digital switch 40 switches to a source signal correspond to the service request signal (see figure 4). It is obvious to one of ordinary skill in the art that the "interactive process" provides digital full motion video in order to improve data transmission.

Art Unit: 2611

6. Claims 7- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paik et al. (US 5,136,411) and in view of Freeman (US 4,847,699).

Regarding claim 7, Paik teaches subscriber terminal 14 reads on the home interface controller as claimed wherein the data transceiver reads on demodulator 104 and modulator 106 for data communication with one of a plurality of headend terminal over a data link in the cable television system; IR receiver 108 reads on the selection input as claimed; directional coupler 92 reads on the television input as claimed; signal processor 100 reads on the signal output as claimed (see figure 4). It is obvious that the signal capable full motion video in order to full motion video service to users. However, Paik does not specifically disclose the subscriber interaction with the interactive process modifies the content of the signal.

Freeman teaches an interactive television system wherein the subscriber interaction with the interactive process modifies the content of the signal (more than one audio track or channels is synched to a common video channel; user selects a button or joystick, the audio track or channel assigned to the selected button is played with the video channel- col. 3, line 66+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Paik to use the teaching of Freeman in order to improve the signals provided to subscriber.

Art Unit: 2611

Regarding claims 8-10, Paik in view of Freeman teaches an interactive television system as discussed in the rejection of claim 7. Paik also teaches the additional limitations as discussed in claims 8-10 above.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rhoades (US 5,051,822) teaches telephone access video game distribution center.

Johnson et al. (US 5,077,607) teaches cable television transaction terminal.

Wilson et al. (US 5,195,092) teaches interactive multimedia presentation and communication system.

Smith et al. (US 6,195,530) teaches selective messaging via on screen display.

Young et al. (US 6,498,895) teaches user interface for television schedule system.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2611


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh  
January 5, 2004

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600